

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYRONE SMITH,

Plaintiff,

Case No.: 1:10-cv-1178

v.

HONORABLE PAUL L. MALONEY

ROBERT LINCOLN, et al.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by United States Magistrate Judge Joseph G. Scoville in this action (ECF No. 42). The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that plaintiff's claims for injunctive and declaratory relief are **DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that all of plaintiff's claims for damages against defendants in their official capacities are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that defendants' motion for summary judgment (ECF No. 29) is **GRANTED**.

Dated: April 15, 2013

/s/ Paul L. Maloney

Paul L. Maloney

Chief United States District Judge